

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10<sup>th</sup> DAY OF APRIL 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Marc Mcgruder	-Budget Manager
	Karen Edmonds	-Human Resources Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC ADDRESS**

Susie Leslie addressed the Board about her concerns that the Huckleberry Ridge rezoning signs were not placed on the Huckleberry Trail in a timely manner to notify citizens of the proposed rezoning. The signs were not placed near the trail until last week and she believes that many of the users of the trail may not know about the proposed development. Ms. Leslie is also concerned about the box culvert the developer has proposed to construct across the trail. She indicated that many of the bikers who use the trail prefer a bike lane instead of a multi-user trail.

The Chair asked Joe Powers, Planning Director, to address the concerns about placement of rezoning signs and notification of rezoning requests to the citizens.

Mr. Powers explained that the Virginia State Code requires localities send a letter to all adjoining property owners and to place a legal advertisement in local newspapers for two weeks on a proposed rezoning. Montgomery County, in their Zoning Ordinance, has a posting requirement that the applicant must place a sign on the site in a visible location, notifying the public of the proposed rezoning. The County is exceeding the State legal requirements by requesting this in order to make more citizens aware of any proposed rezonings.

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated April 10, 2006 was approved.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

### **Approval of Minutes – March 13, 2006**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the minutes dated March 13, 2006 were approved.

**R-FY-06-147**  
**RESOLUTION ESTABLISHING A PUBLIC HEARING**  
**ON THE PROPOSED ORDINANCE TEMPORARILY CHANGING**  
**THE C-1 PRECINCT POLLING PLACE**  
**FROM THE SHAWSVILLE ELEMENTARY SCHOOL**  
**TO THE MEADOWBROOK BRANCH PUBLIC LIBRARY**  
**FOR THE JUNE 13, 2006**  
**PRIMARY ELECTION ONLY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday, May 8, 2006, at 7:15 pm or as soon thereafter, at the Montgomery County Government Center, 2<sup>nd</sup> Floor

Board Room, 755 Roanoke Street, Christiansburg, Virginia, in order to receive comments on the proposed Ordinance entitled “An Ordinance Temporarily Changing The C-1 Precinct Voting Place From the Shawsville Elementary School Located at 4390 Riffe Street in the County of Montgomery, Virginia, to the Meadowbrook Branch Public Library Located at 267 Alleghany Springs Road, In the County of Montgomery, Virginia, For the June 13, 2006, Primary Election Only”.

**A-FY-06-89  
SHERIFF  
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

310	Sheriff – State	\$459
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
441101	Insurance Recoveries	\$459

Said resolution appropriates insurance recoveries from an accident that took place on 2/23/06 involving a sheriff patrol car P-3.

**A-FY-06-90  
SHERIFF  
WIRELESS 911**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

320	Sheriff – County	\$3,600
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451204	Fund Balance	\$3,600
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Said resolution appropriates funds for the Sheriff's Wireless 911. These funds were placed into fund balance at the end of FY 05.

**A-FY-06-91  
CLERK OF CIRCUIT COURT  
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

210	Clerk of Circuit Court	\$1,410
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$1,410
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Said resolution appropriates recovered costs associated with criminal juries for use by the Circuit Court.

**A-FY-06-92  
COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$ 1,722
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The sources of the funds for the foregoing appropriation is as follows

Revenue Account

419104	Confiscations	\$ 1,722
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Said resolution appropriates funds that were confiscated by law enforcement for cases prosecuted by the Commonwealth's Attorney's Office.

**A-FY-06-93  
PLANNING AND GIS  
TRANSFER FROM  
SPECIAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized as follows:

**FROM:**

960	Special Contingencies	(\$8,000)
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**TO:**

800	Planning and GIS	\$8,000
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Said resolution transfers appropriated funds from Special Contingencies to Planning and GIS to cover the cost of compensation for boards and commissions.

**A-FY-06-94  
FIRE AND RESCUE  
INSURANCE**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized as follows:

**FROM:**

960	Special Contingencies	(\$20,220)
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**TO:**

330	Fire and Rescue	\$20,220
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Said resolution transfers funds from Special Contingencies to Fire and Rescue to cover the cost of insurance for FY 06.

**R-FY-06-148**  
**VACATION OF PUBLIC UTILITY EASEMENT**  
**4007 CHILDRESS ROAD**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Plat of Easement Vacation and Relocation for Tax Parcel 127-A-24 requests the vacation and relocation of a 15' public utility easement on behalf of the landowners, Charles and Betty Smith; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public utility easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat of Easement Vacation and Relocation for Tax Parcel 127-A-24 (Simon & Associates Job No. 06830-01 dated March 27, 2006) for Tax Parcel No. 127-A-24 (Acct ID# 011557) in the Riner Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

**R-FY-06-149**  
**RESOLUTION OF APPRECIATION**  
**WYNNE PARKER**  
**PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

**WHEREAS, Wynne Parker** has faithfully served as a member of the Parks and Recreation Commission since January 11, 2000; and

**WHEREAS, Wynne Parker** has served as Chair of the Parks and Recreation Commission in 2003 and 2004; and

**WHEREAS, The County** recognizes the excellent and dedicated service that **Wynne Parker** has rendered the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED,** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Wynne Parker**.

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to **Wynne Parker** and that a copy be made a part of the official Minutes of Montgomery County.

**OLD BUSINESS**

**ORD-FY-06-23  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF  
APPROXIMATELY 6.036 ACRES FROM AGRICULTURE (A-1)  
TO RESIDENTIAL MULTI-FAMILY (RM-1)  
AND 6.52 ACRES FROM GENERAL BUSINESS (GB)  
TO RESIDENTIAL MULTI-FAMILY (RM-1)  
WARM HEARTH, INC. DEVELOPMENT**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 6.036 acres and 6.52 acres are hereby amended and rezoned from the zoning classification of Agriculture (A-1) and General Business (GB) respectively to Residential Multi-family (RM-1).

This action was commenced upon the application of Warm Hearth, Inc. (Agent: Anderson & Associates, Inc.).

The property is located on the Warm Hearth Drive, west of the intersection of Mabry Lane and Warm Hearth Drive, and is identified as Tax Parcel No. 54-A-22 & 53-A-73 (Acct ID # 034309, 020410) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

**AYE**

Doug Marrs  
Mary W. Biggs  
James D. Politis  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin

**NAY**

None

**R-FY-06-150**  
**SPECIAL USE PERMIT AMENDMENT**  
**WARM HEARTH, INC.**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Warm Hearth, Inc. (Agent: Anderson & Associates, Inc.) request to amend a special use permit dated February 13, 1984 allowing for the development of a senior living facility by adding 6.036 and 6.52 acres and by amending condition #2 to require development of the site to be in substantial accordance with the plan entitled, "2006 Overall Master Plan", prepared by Anderson & Associates (Document No. 24284-000) and dated February 22, 2006, last revised March 15, 2006, is hereby approved subject to the following conditions:

1. This conditional use permit is approved for a maximum of six hundred (600) housing units subject to condition number 2 below. Expansion of the Warm Hearth development beyond this maximum number of units will require a new conditional use permit.
2. Development of the site shall be substantially in accordance with the site development plan dated February 22, 2006, last revised March 15, 2006 entitled "2006 Overall Master Plan" prepared by Anderson & Associates (Document No. 24284-000). This Master Plan authorizes the construction of a maximum of up to five hundred and five (505) units before a second entrance to the Development is approved and constructed. Warm Hearth shall request an Amendment to this Special Use Permit by submitting a revised Master Plan showing a second access road for the Development constructed to VDOT standards. The revised Master Plan showing the second entrance shall be approved by the Planning Commission and the Board of Supervisors and the second entrance shall be constructed by Warm Hearth prior to Warm Hearth being able to develop housing units 506 through 600.

The property is located on Warm Hearth Drive, west of the intersection of Mabry Lane and Warm Hearth Drive, and is identified as Tax Parcel No. 54-A-22 & 53-A-73 (Acct ID # 034309, 020410) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs  
James D. Politis  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Doug Marrs  
Steve L. Spradlin

NAY

None



**R-FY-06-151**  
**TABLED**  
**REZONING REQUEST OF APPROXIMATELY 63 ACRES**  
**FROM AGRICULTURE (A-1) TO**  
**PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-RES)**  
**FOR THE PROPOSED HUCKLEBERRY RIDGE DEVELOPMENT**  
**IDENTIFIED AS TAX PARCEL NUMBERS**  
**66-A-91, 92 AND 67-A-229**

On a motion by Gary D. Creed, seconded by Doug Marris and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Huckleberry Ridge, LLC and Henry Heth Estates request to rezone approximately 63 acres from the zoning classification of Agriculture (A-1) to Planned Unit Development Residential (PUD-Res) located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92 & 67-A-229 (Acct # 010584, 010585, & 035616) in the Prices Fork Magisterial District (District E) **is hereby tabled pending additional information.**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
Doug Marris	
Mary W. Biggs	
Steve L. Spradlin	

**R-FY-06-152**  
**TABLED**  
**HUCKLEBERRY RIDGE AND HENRY HETH ESTATES**  
**REQUEST FOR A FIFTY (50) FOOT PUBLIC RIGHT OF WAY**  
**TO CROSS THE HUCKLEBERRY TRAIL TO**  
**PROVIDE PUBLIC INGRESS AND EGRESS TO THE PROPOSED**  
**HUCKLEBERRY RIDGE SUBDIVISION**

On a motion by Gary D. Creed, seconded by Doug Marris and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that Huckleberry Ridge LLC and Henry Heth Estate's request for a fifty (50) foot public right of way to cross the Huckleberry Trail to provide public ingress and egress to the proposed Huckleberry Ridge Subdivision **is hereby tabled pending additional information.**

The vote on the foregoing motion was as follows:

AYE

James D. Politis  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Doug Marrs  
Mary W. Biggs  
Steve L. Spradlin

NAY

None

**NEW BUSINESS**

**R-FY-06-153  
A RESOLUTION AUTHORIZING THE  
COUNTY ATTORNEY TO FILE A PETITION  
WITH THE CIRCUIT COURT REQUESTING  
A SPECIAL ELECTION TO BE HELD ON  
NOVEMBER 7, 2006, TO FILL THE VACANCY  
IN THE OFFICE OF THE MONTGOMERY COUNTY  
COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Effective March 31, 2006, the Honorable, Josiah T. Showalter resigned as Montgomery County Commonwealth's Attorney to be appointed as Circuit Court Judge in the 27<sup>th</sup> Judicial Circuit; and

WHEREAS, Section 24.2-228.1 of the Code of Virginia, 1950, as amended requires the Board of Supervisors of the County of Montgomery to within fifteen (15) days of the occurrence of the vacancy to petition the Circuit Court to issue a Writ of Election to set a special election to fill the vacancy in the Constitutional Office of the Montgomery County Commonwealth's Attorney; and

WHEREAS, Section 24.2-682 of the Code of Virginia, 1950, as amended allows for special elections to be held on the same day as a general election; and

WHEREAS, The Board of Supervisors has instructed and authorized the County Attorney to file a Petition requesting the Circuit Court to issue a Writ of Election setting the special election to fill the vacancy in the Office of the Montgomery County Commonwealth's Attorney for the next general election scheduled for November 7, 2006.

NOW, THEREFORE BE IT RESOLVED By the Board of Supervisors of the County of Montgomery that the Board of Supervisors hereby instructs and authorizes the County Attorney to file a Petition on behalf of the Board of Supervisors requesting the Circuit Court to issue a Writ of Election ordering a special election to be held on November 7, 2006, to fill the vacancy of the Office of the Montgomery County Commonwealth's Attorney.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
Doug Marrs	
Mary W. Biggs	
John A. Muffo	
James D. Politis	
Steve L. Spradlin	

**R-FY-06-154**  
**APPOINT BOARD OF SUPERVISORS REPRESENTATIVE**  
**CASH PROFFERS WORK GROUP**  
**PHASE II CASH PROFFERS STUDY**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors requested that a study plan be developed to evaluate whether or not the Board would want to consider using cash proffers as a tool to address future capital needs; and

WHEREAS, The Board of Supervisors authorized County staff to initiate the study as follows:

Phase I – Data Collection – County and Town staff representative:

The purpose of the Phase I Work Group will be to:

- Review previous Montgomery County report, “Review and Evaluation of Cash Proffer Policy Operations” prepared by Herd Planning & Design, LTD and dated October 15, 2002
- Research which rezoning actions over the past 5 years (2001-2005) in Blacksburg, Christiansburg and Montgomery County could have resulted in cash proffers; and

## Phase II – County and Town Staff and Work Group Members Study/Evaluation

The purpose of Phase II will be to:

- Prepare a report summarizing the pros and cons of adopting cash proffers by Montgomery County and the two Towns
- The report would include the impact statements that would be provided by the work group participants which would insure that representatives from the Montgomery County Chamber of Commerce, New River Valley Home Builders Association and the New River Valley Association of Realtors will have a voice in the study process

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the membership of the Work Group Members for Phase II of the Cash Proffers Study will be as follows:

- Board of Supervisors Representative
- Montgomery County Planning Commission representative
- Montgomery County Economic Development Commission representative
- Montgomery County Chamber of Commerce representative
- New River Valley Home Builders Association representative
- New River Valley Association of Realtors representative

BE IT FURTHER RESOLVED, The Board of Supervisors hereby appoints **Gary D. Creed, and Mary W. Biggs as alternate**, as the Board of Supervisors representative to the Work Study Group for Phase II of the Cash Proffers Study.

BE IT FURTHER RESOLVED, Completion of Phase II will result in the Board of Supervisors receiving a report regarding the issues surrounding implementing “Cash Proffers” to address the ongoing capital investment pressures encountered due to growth.

FURTHER, Should the Board of Supervisors elect to proceed further the Board may conduct a study to determine what the County’s true capital costs are due to new housing units being approved in order to determine what would be the voluntary cash proffer amount per unit.

The vote on the foregoing resolution was as follows:

### AYE

Annette S. Perkins  
Mary W. Biggs  
Doug Marrs  
Gary D. Creed  
James D. Politis  
John A. Muffo  
Steve L. Spradlin

### NAY

None

**R-FY-06-155**  
**RESOLUTION IN SUPPORT OF THE**  
**RINER CANNERY WORKING GROUP**  
**APPLYING FOR A PLANNING GRANT**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Montgomery County endorses a planning grant application to improve the Riner Cannery and promote its use in the New River Valley in support of local agricultural; and

WHEREAS, New River Community Action (NRCA) is concerned about the food needs of low-income residents and seeks creative ways to increase self-reliance through supporting the local cannery; and

WHEREAS, New River Community Action (NRCA), Virginia Tech, and Montgomery County would partner in the project with NRCA serving as grantee and fiscal agent; and

WHEREAS, This project would bring together citizens of a variety of communities throughout the county to identify ways the local cannery can address agriculture issues and food security in these communities; and

WHEREAS, The USDA Community Food Program planning grant funds up to \$25,000 requiring equal matching support through both cash and in-kind; and

WHEREAS, NRCA staff would coordinate the project by surveying volunteers and clients and organizing workshops including other cannery operators; and

WHEREAS, Montgomery County will continue to provide \$16,228, which will serve as a local match and provide for cannery operations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby supports the planning grant application and will provide \$16,228 in local cash match to support the Riner Cannery, subject to future appropriations.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs

Doug Marrs

Gary D. Creed

John A. Muffo

Annette S. Perkins

James D. Politis

Steve L. Spradlin

NAY

None

## **COUNTY ADMINISTRATOR'S REPORT**

**Blue Ridge Film Festival** Montgomery County's Public Information Officer reported that two County produced documentary films have been accepted to the Blue Ridge Film Festival. TV and Multimedia Specialist, Chris Valluzzo, produced "This Bridge: A History of Coal Mining in Montgomery County" and "Smithfield Plantation: Virginia's Frontier Plantation and Doorway to the West". The Blue Ridge Film Festival is April 20-22, 2006 in Roanoke, Virginia. A total of 200 films were accepted by the Blue Ridge Film Festival across the nation.

**Western Virginia Regional Jail Authority** The County Administrator reported the Roanoke County Board of Supervisors approved WVRJA's rezoning request of the proposed regional jail site. This project is moving forward with a projected date of Fall 2006 to award the construction bid and opening of the regional jail in the Fall of 2009.

## **BOARD MEMBERS' REPORTS**

**Supervisor Marrs** **Western Virginia Regional Jail Authority** Supervisor Marrs serves on the WVRJA's Human Resources Committee. They have been reviewing the applications for Superintendent for the regional jail and hope to make a recommendation to the Authority soon.

**Supervisor Creed** attended the Parent/Teacher Organization meeting at the Elliston/Lafayette Elementary School. One issue of concern that was addressed was the portable restrooms outside the school facility for use by children who attend classes in the mobile units. These children have to go outside in inclement weather and they are not supervised as the teacher must stay in the classroom. This is a major issue regarding the safety of the children.

**Paving of Consolidated Collection Sites** Supervisor Creed reported that at the PTO meeting, several citizens expressed concern with the condition of the Elliston Consolidated Site during inclement weather. It is difficult getting in and out of the site and they asked if the site could be paved. Supervisor Creed requested the County Administrator check the cost to get this site paved.

Supervisor Spradlin asked the County Administrator to get estimates on paving all the consolidated collection sites; provide estimates to have the entire area paved; and also just the highly used areas.

**Water Quality in Montgomery County** Supervisor Creed expressed concern regarding the article in the Roanoke Times on the water quality in Smith Mountain Lake and Claytor Lake and how the fish supply is not edible due to PCP levels. He asked that the Department of Environmental Quality be invited to a Board meeting to address this issue.

**Meadowbrook Public Library – Grand Opening** Supervisor Creed reported the grand opening and ribbon cutting for the Meadowbrook Public Library was held March 23, 2006.

**Supervisor Muffo** New River Community Services Board is continuing to search for a Director. They have narrowed the applicants down to two (2) applicants and have scheduled a second interview with each. They hope to make a decision soon.

Supervisor Muffo also informed the Board his appointment to the CSB will be up for reappointment and would like to be considered for another term.

**Supervisor Politis** Riner Community Meeting Supervisor Politis reported Beth Obenshain, New River Land Trust, was the speaker at a community meeting in Riner to discuss land conservation. There were approximately 30 people who attended, with plenty of input. Supervisor Politis thanked Joe Powers, Montgomery County Planning Director, for organizing the meeting.

Acquisition of Land Supervisor Politis reported that when Montgomery County acquired land from the Salmon's Family in 1996 in order to construct the new Auburn Elementary School, the Board of Supervisors, at that time agreed not to seek land from the Salmon's Family for the next 25 years. Supervisor Politis wanted to make sure that this agreement was a binding agreement, not just a verbal agreement. The County Attorney confirmed that the agreement was included in the sales agreement.

Riner Village Plan The Planning Department held the last of three community meetings in Riner pertaining to the village plan.

**Supervisor Perkins** Virginia Tech/Montgomery Regional Airport Authority The Authority is still negotiating with landowners who are in the Runway Protection Zone. Also, there are several construction projects in Blacksburg near the airport but not in the runway protection zone. The Authority has made a request to the Town of Blacksburg that all future businesses/property owners be made aware of the Airport and airport traffic.

## **RECESS**

The Chair announced the Board of Supervisors would take a short recess and reconvene in the Board Chambers at 7:30 p.m.

## **PUBLIC HEARINGS**

### **Proposed Budget for FY 2006-2007**

The Chair opened the budget hearing with an invitation for citizens to comment on the proposed FY 2006-2007 budget, explaining that each speaker would be allowed five minutes to address the Board.

Michael Colver spoke in support of full school funding in order to recruit and retain qualified teachers. Increases built in the school budget are needed and all available resources are used.

Alicia Spitzer spoke in support of school funding. Ms. Spitzer stated that teacher salaries in Montgomery County are ranked low in the state of Virginia and nationally. She asked if her salary is reflecting her true service as a teacher, as teachers impact children's lives. She believes 4 cents or more for schools will help increase teacher salaries.

Helen Butler, Brain Injury Services of Southwest Virginia, asked the Board for \$10,000 in support for the upcoming year. Brain Injury Services of Southwest Virginia provided support to 9 people in 2004 and 26 people in 2005.

David Pendleton, a brain injury survivor, spoke in support of funding for Brain Injury Services of Southwest Virginia. Mr. Pendleton described the help he received and how they provided him with physical and emotional help. They helped him become self efficient and he was able to pursue his education. Mr. Pendleton stated he now has a purpose on life due to help he received from Brain Injury Services.

John Early spoke against any tax increase. Mr. Early stated that there are numerous citizens in the County that are on a fixed income and that social security payments do not cover living expenses. He expressed concerns with the real estate assessment, water and sewer costs, and issuance of debt for capital projects.

Joni Underwood spoke in support of school funding and the need for school nurses. Ms. Underwood explained the proposed school budget includes increased hours for the nurses in the middle schools. She indicated there is a need for additional nurses, but they will greatly welcome the additional hours proposed. School Nurses often work during their lunches in order to see all the students that are in need for that day. She is an advocate for medical care and emotional support for the children in the schools. Ms. Underwood urged the Board to fully fund the school budget.

Larry Martin spoke against a 74 cent real estate tax. He asked that the Board hold any increase to a minimum.

Brownie Cauley spoke in support of school funding. Mr. Cauley stated citizens have presented many reasons why the Board should increase the budget. He believes Montgomery County has the resources and expects the Board to meet the challenges.

Jill Columbus, New River Community Action, urged the Board for continued support for New River Community Action. They served over 4,000 clients last year and 2,200 clients so far this year. The federal government has zeroed out funding across the nation for community action, with the state government doing the same.

Christine Wallace spoke in support of funding for New River Community Action. Ms. Wallace described the support she received from NRCA after hardship fell on her family. They helped with basic necessities such as food and utilities. She said they helped when no one else could. Ms. Wallace believes New River Community Action is a benefit to the community.



Táiya Shiner, Human Relations Council, expressed appreciation to the Board of Supervisors for their continued support for the Human Relations Council. Human Relations Council is 100% volunteer with funding going toward the cost of program delivery.

Charlie Bowles addressed concerns with the proposed increase in the County's budget and increase in real estate tax. Mr. Bowles also expressed concerns with the reassessment program, future capital projects, and the issue of a new school stadium in Blacksburg. He believes there is unnecessary spending on projects that are not needed and the County needs to control taxes.

Jim Snyder spoke in support of a tax increase due to the need for a new school facility in Riner. Mr. Snyder commented on the overcrowding of the Auburn Middle School and the continued growth in the area. He believes we should invest in the children today.

William Cleary spoke in support of a new Auburn Middle School. Mr. Cleary stated that the area is growing, and he foresees a tremendous growth in the future. Now is the time to address the issue of overcrowding in schools since there are accreditation and SOL issues at both Auburn Middle and Auburn High School.

There being no further speakers, the public hearing was closed.

#### **Proposed Tax Rates 2006-2007**

The Chair opened the public hearing on proposed tax rates for 2006-2007 with an invitation for citizens to comment on the proposed tax rates, explaining that each speaker would be allowed five minutes to address the Board.

Kathy Blitz spoke in support of a tax increase and supports the advertised rate of 74 cents. Ms. Blitz stated schools are an economic opportunity for the County to attract businesses. Numerous schools in the County lack proper facilities and are inadequate. She urged the Board to follow the path of least resistance and adopt the 74 cent advertised tax rate.

Sharon Brockman spoke in opposition to a real estate tax increase. Ms. Brockman commented that the standard of living has increased. The cost of gas and supplies have increased. She stated that the county will see additional revenue from the 2007 reassessment, therefore, keep any real estate tax increase to a minimum.

Noelle Bissell spoke in support for a real estate tax increase, which will help provide funding to the school budget. It is the County's responsibility to assure children have adequate facilities, and to keep up with the growth in the schools.

Andrew Dolbin-McNab spoke in support of the 7 cent tax increase. He urged the Board to allocate an additional 2 cent for the School budget for a total of 4 cents for the schools. Mr. Dolbin-McNab stated a 7 cent tax increase will cost a homeowner with a \$200,000 home only an additional \$12 per month. This is an inexpensive way to support the youth in Montgomery County.

Mike Albert spoke in support of the advertised real estate rate of 74 cents to help construct a new school facility in Riner. He asked the Board to appropriate money in a reserve fund for capital projects to help with the construction of three new school projects and adding air conditioning to all the schools. He urged the Board to spread tax increases over the years to keep citizens from having to pay extraordinary amount of real estate tax in one year.

Jack Selcovitz expressed concerns with the reassessment process and increased property taxes.

There being no further speakers, the public hearing was closed.

Following the public hearing the Board discussed the proposed real estate tax increase. Several Board members commented the only way they could support a 7 cent real estate tax increase is to designate a portion of the increase for school capital projects. It was agreed upon that 4 cents of the increase is to be allocated towards the proposed budget, 2 cents to be allocated to school capital projects for new school construction, and 1 cent to be allocated toward the cost of fuel. If there is a balance remaining from the 1 cent, the balance is to be transferred into the account for new school construction.

**R-FY-06-156**  
**RESOLUTION SETTING THE**  
**REAL ESTATE TAX RATE**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby sets the real estate tax rate at **74¢** Per \$100 of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, That it is the intent of the Board of Supervisors that the money projected from 2 cents of the 74 cent real estate tax rate shall be earmarked for future expenditures for new school construction capital projects as dictated by future Board action and 1 cent of the 74 cent real estate tax rate shall be held in a contingency account to address potential increased fuel costs, dictated by future Board action.

FURTHER, That it is the intent of the Board of Supervisors that funds remaining in the fuel contingency account at the end of the fiscal year 2007 be earmarked for and placed in the new school construction capital projects account.

FURTHER, That the Commissioner of Revenue of Montgomery County, Virginia be, and she is hereby ordered to levy, beginning January 1, 2006 and ending December 31, 2006 the sum of **74¢** Per \$100 of the assessed valuation of real estate based on 100% of fair market value.

FURTHER, The Commissioner of Revenue is instructed to levy for said period other property taxes as follows:

<u>Category</u>	<u>Tax Rate Per \$100 of Assessed Valuation</u>
Tangible Personal Property	\$2.45
Machinery and Tools	\$1.82
Merchants Capital	\$3.05

FURTHER, That the Treasurer of Montgomery County, Virginia is hereby directed to collect the taxes so assessed, and the Clerk of the Board shall forward a copy of this order to said Commissioner of the Revenue and the Treasurer.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	Gary D. Creed
Mary W. Biggs	Steve L. Spradlin
Annette S. Perkins	
James D. Politis	
John A. Muffo	

### **ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, April 24, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

The meeting adjourned at 9:05 p.m.

APPROVED: _____	ATTEST: _____
Steve Spradlin	B. Clayton Goodman, III
Chair	County Administrator